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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,082	09/09/2003	Raymond Joseph Reisdorf	TP2685USNA	1429

23906 7590 07/20/2006

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WILMINGTON, DE 19805

EXAMINER

JUSKA, CHERYL ANN

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

5

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/658,082

Applicant(s)

REISDORF ET AL.

Examiner

Cheryl Juska

Art Unit

1771

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 06 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

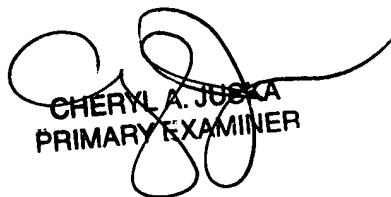
REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Cheryl Juska
Primary Examiner
Art Unit: 1771

Continuation of 11. does NOT place the application in condition for allowance because: Applicant appears to traverse the 112, 1st rejection of claim 1 by asserting that the definition disclosed in the specification for "polymer" is synonymous with the inventive "polymer adhesive" (Amendment After Final, pages 2-3). In response, when a specification clearly sets forth an definition of a term, said term is not then to be interpreted in a scope different from that set forth. Applicant appears to asserting that the scope of "polymer" is indeed the same scope as "polymer adhesive." It is well known in the polymer arts that not all polymers are capable of adhesive properties. As such, applicant's interpretation of the "polymer" definition explicitly set forth in the specification to include "polymer adhesive" is in error. Additionally, the specification does not provide support for the limitation that the polymer adhesive "consists of one or more block, random, or alternating ethylene copolymers." While the examiner is not requiring literal support for the limitation, support for the concept is required. The rejection stands.

Regarding the 102/103 rejection, applicant argues that the EMAC Chevron SP 2220 polymer of the Bailey reference does not inherently possess the presently claimed melt index (Amendment After Final, pages 4-6). In support thereof, applicant submits Product Data Sheets for Eastman EMAC SP 2220 showing a melt index of 20.0 g/10 min rather than the claimed greater than 150. In response, it is not clear that the Eastman SP 2220 polymer is equivalent to the Chevron SP 2220 polymer disclosed by the Bailey reference. Applicant also asserts that even if the Eastman and Chevron polymers are not the same, the Product Data Sheet is evidence that not all EMAC polymers having 20% methyl acrylate contents have the claimed melt index. This argument is unpersuasive since it was not asserted that any and all EMAC polymers having 20% methyl acrylate content would inherently possess the claimed melt index, but rather that the Chevron polymer would inherently possess said melt index. Furthermore, it is noted that applicant has not properly addressed the 103 aspect of the 102/103 rejection. Therefore, applicant's arguments are found unpersuasive and the rejections stand.


CHERYL A. JUSKA
PRIMARY EXAMINER